

**PROCUREMENT PROCESS FOR USING THE PRE-QUALIFIED SWaM
CONTRACTORS LIST
AS SOLICITED BY THE DEPARTMENT OF GENERAL SERVICES, DIVISION OF
ENGINEERING AND BUILDINGS**

This solicitation provides a list of SWaM vendors who are pre-qualified to participate in a competitive negotiation process for construction work and shall be documented accordingly.

Pertinent Code of Virginia:

§ 2.2-4303:

“D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

2. By any (a) public body for the construction, alteration, repair, renovation or demolition of buildings when the contract is not expected to cost more than \$1 million and (b) local governing body on a fixed price design-build basis or construction management basis under § 2.2-4308 when the contract is not expected to cost more than \$1 million”

This solicitation restricts contract awards to amounts of \$500,000 per project for renovation and \$250,000 per project for new construction.

Documentation for the File:

Here is sample wording to use for documenting your procurements of construction services under this contract:

The Code of Virginia Section 2.2-4303 allows for the use of competitive negotiation for soliciting construction services based a written determination made by the agency. This letter is to document this determination.

Generally, the primary advantage to utilizing this pre-qualified pool of vendors for small jobs will be the ability to expedite procurement since a portion of the procurement process has already been completed. The negotiated process utilizes a pre-qualified pool of contractors whose qualifications have been reviewed and are certified with DMBE as SWaM contractors therefore meeting the requirements of EO33.

This process will expedite the delivery of the services to the agency, allow for the work to begin earlier, and allow for the agency to refine the costs since this will be an open book pricing scenario. Due to use of competitive negotiation, the agency will be able to review and discuss the cost of the project and work with the contractor and design team to assure that all elements of the project are addressed before a contract is signed or construction begins.

This process should greatly reduce change orders and misunderstandings in the work to be performed. This process of using a pre-qualified pool will also reduce the cost to the agency for newspaper advertising and reproduction costs of design documents. This process will also allow for quicker delivery of the work, especially when critical.

Competitive Negotiation Process:

For the purposes of the contract competitive negotiations shall be conducted as described in Code of Virginia § 2.2-4301:

“b. Procurement of other than professional services. Selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.”

Process for Using the Pre-Qualified SWaM Contractors List:

SINGLE PROJECTS WITH AN ESTIMATED VALUE OVER \$50,000:

Step 1 – Select a minimum of 4 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 21 days. This critical as contractors need adequate time to prepare proper estimates.

Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the

attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD - --date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

eVA BUSINESS-TO-GOVERNMENT VENDOR REGISTRATION: The bidder or offeror must be a registered vendor in eVA to be awarded this contract.

The contract shall be awarded on a lump sum basis based on competitive negotiations.

Contractor registration in accordance with Section 54.1-1103 of the Code of Virginia, is required.

Step 3 – Receive the proposals and evaluate the proposals. Here is a recommended scoring system:

| | |
|------------------------------|----------------------|
| Pricing | 50 points out of 100 |
| Means, Methods, and Schedule | 50 points out of 100 |

The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. If the contract has a value greater than \$100,000 then the Bonds CO10 and CO10.1 shall be completed by the contractor. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

SINGLE PROJECTS WITH AN ESTIMATED VALUE LESS THAN \$50,000:

Step 1 – Select a minimum of 2 contractors from the pre qualified list for the services required.

Step 2 – Issue the standard invitation via fax or email to the selected firms. The minimum designated time for contractors to respond to the solicitation is 21 days. This critical as contractors need adequate time to prepare proper estimates.

Here is sample wording for the invitation:

Sealed proposals are invited to furnish and install ----- in accordance the documents and specifications which are available for pick up or at the conference. [agency to choose process for distribution of plans]

The project is generally described as...

Sealed proposals will be received at the Facilities Office located ---provide street address, floor no. suite, etc.--- on ---date and year---. Proposals are to the attention of person and title. The deadline for submitting bids is 2:00 P.M. sharp, as determined by the Contracting Officer.

A MANDATORY/OPTIONAL PRE PROPOSAL CONFERENCE WILL BE HELD - --date, time, and location---. CONTRACTORS ARE RESPONSIBLE FOR VISITING THE SITE AND CONFIRMING THE WORK. YOUR SUBMISSION IS ACKNOWLEDGEMENT THAT YOU HAVE VISITED THE SITE AND UNDERSTAND THE SITE CONDITIONS.

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The Means, Methods, and Schedule is the contractor's understanding of the execution of the work and is the agency's opportunity to review the Means, Methods, and Schedule with the contractor prior to any award decision.

Perform competitive negotiation as described above.

Step 4 – Once a successful contractor has been selected, issue a Notice of Award CO9.1a and a Construction Contract CO9. The CO forms apply to state agencies and may be used by other public bodies or they may use their contract formats. Issue a purchase order in eVA.

Important File Facts:

- In all cases include all negotiation notes and decisions with your contract and purchase order.
- In all cases include your document on the selection of negotiation versus sealed bidding.
- Remember to issue a purchase order for the value of the contract in eVA.